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WATER AGENCIES

*a non-profit corporation
since 1910*

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COMMENTS OF THE
ASSOCIATION OF CALIFORNIA WATER AGENCIES
ON WATER QUALITY STANDARDS
FOR THE BAY-DELTA

Submitted to the State Water Resources Control Board
September 1, 1994

The Association of California Water Agencies (ACWA) appreciates the opportunity to submit comments on behalf of its 417 public agency members to the State Water Resources Control Board as part of the fifth workshop on standards for the San Francisco Bay-Delta estuary.

Introduction

At the July 13 Bay-Delta workshop of the State Water Resources Control Board (Board), ACWA presented a document entitled "Framework of a Comprehensive Protection Program for the San Francisco Bay-Delta Ecosystem". That document was written by a work group of agricultural and urban water interests, and was a significant step by the water community toward embracing a comprehensive, habitat-based approach to solving the problems in the Bay-Delta estuary. It is the view of a significant segment of the water community that the approach outlined in that document is essential to providing a long-term, stable Bay-Delta environment for endangered and other species, as well as a reliable supply of water for water users.

Those in the water community who support this approach to solving endangered species and related problems are not alone. Very recently, U.S. Interior Secretary Babbitt announced a major initiative within the Interior Department to cooperate fully with public and private interests who enter into habitat conservation programs with Interior. It seems clear that this is a policy that the Clinton Administration intends to apply broadly. Nowhere does application of that policy make more sense than in this estuary.

The business community has also recognized that balanced water policies are vital to the state's economic well being, and that a comprehensive approach is needed. The recent letter from major California business leaders to President Clinton and Governor Wilson is evidence of that.

The Board's Role

The Board is now the central figure in the Bay-Delta process. It alone has the authority and the responsibility to balance the competing needs within the estuary and to orchestrate the activities of the parties (even federal agencies) to bring regulatory and biologic certainty, and water supply reliability to the Delta.

In order for the Board to succeed, the Board's water quality control plan must:

- Be based on sound science, while acknowledging the limits of existing knowledge on the biology of the Bay-Delta.
- Provide "shelf life" to the regulatory regime within the Bay-Delta.
- Be compatible with a comprehensive, multi-species solution for the estuary.

The Board's Program

The Board's plan will likely include standards*, as well as constraints on water project operations. The clear goal of these requirements must be to:

- Protect the habitat and its diversity, rather than focusing on single species.
- Pre-empt the need for additional endangered species regulatory requirements.
- To the extent possible, use habitat-based measures to reduce or eliminate the need for endangered species take limits at all diversions.

* As used herein, the term standards refers to either salinity standards or outflow requirements.

- **Limit water costs and provide as much system reliability as possible for Delta exporters as well as in-Delta pumpers and upstream water users.**
- **Avoid pre-judging or otherwise affecting implementation decisions, which are the proper subject of a water rights proceeding.**

However, in order for these goals to be fully met, the Board must develop a water quality plan that includes more than standards and water project operational constraints. The Board's plan must address all of the significant factors affecting the estuarine habitat. Failure to include all of these factors will result in inadequate protection for the beneficial uses of Bay-Delta waters and will likely lead some water users to protect their legitimate interests through whatever means is available.

In summary, standards and operational constraints will dedicate a significant amount of water to the Delta environment. Once that water is dedicated, we are convinced that water users will strenuously resist further taking of water unless and until all reasonable steps are taken to address the many other factors which are known to have significant adverse effects on the Bay-Delta estuary.

Conclusion

After years of confusion and turmoil, it now appears that there is an emerging consensus to develop a complete and lasting solution to the environmental and water supply problems in the Delta. The recently signed framework agreement between the state and the federal government, and the strong support for that agreement among the stakeholders are strong evidence of that consensus. However, the process to develop that lasting solution can best be advanced through the Board's Bay-Delta water quality plan.

The Board should not merely hope that the framework agreement will lead to a comprehensive plan; it should direct the parties to the agreement to develop the plan, making it clear that no regulatory process for the Delta will work without that plan in place and operating.

That plan must be comprehensive in scope, habitat based and balanced in its approach. The elements described in the comprehensive plan we submitted July 13 should be included and the approach described herein must be followed.

The water user community will support a balanced, comprehensive plan, even though it requires real sacrifice. However, that same community is looking to the Board and to the federal agencies to do their part toward making the plan work.